

	Effective Date:		09-12-2011
	Policy #:		H-12
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PURPOSE

To establish permitted uses of limited data sets and the method for creating them.

DEFINITIONS

Refer to HIPAA Policies and Procedures Definitions Glossary.

D. POLICY

A Limited Data Set is protected health information that does not directly identify the individual, but which contains certain potentially identifying information.


After review and approval by the Privacy Officer or the assigned deputy director, a Department of Licensing and Regulatory Affairs (LARA) covered agency may use and disclose a limited Data Set without an individual's authorization only for the purposes of research, public health or health care operations if the department enters into a Data Use Agreement with the intended recipient of the limited data set. A LARA covered agency may use protected health information to create a Limited Data Set, or disclose protected health information to a business associate to create a Limited Data Set on behalf of the covered agency.

If a covered agency knows of a pattern of activity or practice of the Limited Data Set recipient that constitutes a material breach, the department must take action to resolve the issue. If the issue cannot be resolved, then the Data Use Agreement will be terminated and the department will report the problem to the Secretary of the Department of Health and Human Services.

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PROCEDURE

Term	Description
Individually Identifiable Data that must be Removed: (All - except some dates and some demographic data)	<ul style="list-style-type: none"> a) Names b) Postal address information, other than town, city, state, and zip codes c) Telephone numbers d) Fax numbers e) Electronic mail addresses f) Social security numbers g) Medical record numbers h) Health plan beneficiary numbers i) Account numbers j) Certificate and license numbers k) Vehicle identifiers and serial numbers, including license plate numbers l) Device identifiers and serial numbers m) Web Universal Resource Locators (URLs) n) Internet Protocol (IP) address numbers o) Biometric identifiers, including finger and voiceprints p) Full-face photographs and comparable images <p>The individual's birth date should only be disclosed if the department and the recipient of the information agree that it is needed for their purpose.</p>

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<p>Data Use Agreements.</p>	<p>All data use agreements must be approved by the Director's Office and signed by the appropriate deputy director.</p> <p>A Data Use Agreement must:</p> <ol style="list-style-type: none"> 1. Establish the permitted uses and disclosures of the limited data set. 2. Establish who is permitted to use or receive the limited data set. 3. Provide that the recipient of the information will: <ul style="list-style-type: none"> • Not use or further disclose the information other than as • permitted by the agreement • Use appropriate safeguards to prevent use or disclosure • other than as permitted by the agreement • Report to the MDCH any uses or disclosures the • recipient is aware of that is not provided for by the • agreement • Ensure that the recipient's agents who have access to • the information agree to the same restrictions as imposed • on the recipient • Not identify the information or contact the individuals
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REFERENCES

[45 CFR 164.515, §164.514\(e\)](#)